IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9214 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDUBHA MANUBHA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 9214 of 2003

MR MA PAREKH for Petitioner No. 1-11

MR KC SHAH, Ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 11/11/2003

ORAL JUDGEMENT

Rule. Mr.K.C.Shah, learned APP waives service of

rule on behalf of the respondent State.

2. Learned Advocate, Mr.J.M.Panchal appearing for Mr.Parekh, does not press this application for Anticipatory Bail for petitioners No.2 to 11. Hence, petition stands disposed of as not pressed qua petitioners No.2 to 11.

3. Considering the facts and circumstances that petitioner No.1, Chandubha Manubha is reported to be aged 80 years, he deserves to be released on anticipatory bail.

4. Considered the submissions of the parties and perused the materials on record. In the facts and circumstances of the case, the application is required to be allowed qua petitioner No.1, Chandubha Manubha. The parties do not press for a reasoned order.

5. In the event of the arrest of petitioner No.1 in Crime Register No.557/2003, he shall be released on bail in respect of offences alleged against him in this application on executing a bond of Rs.5,000/= (Rupees five thousand only) with one surety of the like amount, by the concerned Police Officer and on conditions that he shall;

a. remain present before the trial Court regularly as and when directed on dates fixed;

b. shall report at Muli Police Station on or before 18-11-2003.

c. make himself available for interrogation by a Police Officer whenever and wherever required.

d. not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

e. not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the police.

f. at the time of execution of bond furnish the address to the Investigating Officer and the Courts concerned, and shall not change his residence till the final disposal of the case or till further orders.

g. not leave India without the permission of the Court and if having passport, shall deposit the same before the Trial Court within a week.

5. It would be open to the investigating officer to file an application or remand if he considers it proper and the learned Magistrate would decide it on merits.

6. This order will hold good if the petitioner is arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of his arrest. Thereafter it will be open to the petitioner to make a fresh application for being enlarged on bail in usual course which when it comes before the Competent Court will be disposed of in accordance with law, having regard to all the attendant circumstances and the materials available at the relevant time uninfluenced by the fact that Anticipatory Bail was granted by this Court.

7. Rule is made absolute qua petitioner No.1. Rule discharged qua petitioners No.2 to 11. Direct service is permitted.

Dt.: 11-11-2003 (Jayant Patel, J.)

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